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10 Attorneys for the Fire Victim Trustee

11 **UNITED STATES DISTRICT COURT FOR THE**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13

14 **In re:**

15 **PG&E CORPORATION,**

16 -and-

17 **PACIFIC GAS AND ELECTRIC**
18 **COMPANY,**

19 **Debtors.**

Bankruptcy Case No. 3:19-bk-030088 DM

Chapter 11

(Lead Case)

(Jointly Administered)

**DECLARATION OF CATHY YANNI
IN SUPPORT OF MOTION OF THE
FIRE VICTIM TRUSTEE TO FILE
REDACTED COPIES OF CERTAIN
RETENTION AGREEMENTS**

[No Hearing Requested]

- 22 ☐ **Affects PG&E Corporation**
23 ☐ **Affects Pacific Gas and Electric**
24 **Company**
☒ **Affects both Debtors**

25 **All papers shall be filed in the Lead Case,*
26 *No. 19-30088 (DM).*

27 I, Cathy Yanni, hereby declare under penalty of perjury that the following is true to the best
28 of my knowledge, information, and belief:

1 1. I became Successor Trustee of the PG&E Fire Victim Trust (“**Trustee**”) on July 1,
2 2022, pursuant to Section 5.2(d) of the Fire Victim Trust Agreement [Docket No. 8750-1). I am
3 duly authorized to make this Declaration (the “**Declaration**”) on behalf of the PG&E Fire Victim
4 Trust (the “**Trust**,” and its beneficiaries, the “**Fire Victims**”). Unless otherwise stated in this
5 Declaration, I have knowledge of the facts set forth herein and, if called as a witness, I would testify
6 thereto.

7 2. I am an attorney at law licensed to practice law in the state of California. Since 1998
8 I have been a neutral with JAMS, which specializes in the resolution of claims and legal disputes
9 by providing efficient, cost-effective and impartial ways of overcoming barriers at any stage of
10 conflict. I have extensive experience resolving mass tort claims, and have acted as a special master,
11 mediator and administrator in multiple cases involving tens of thousands of claims, including claims
12 for personal injury, property damage and business loss.

13 3. Prior to becoming Trustee, I served as the Court-appointed Claims Administrator for
14 the Trust under the *Debtors’ and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization*
15 *Dated June 19, 2020* [Docket No. 8048] and, prior to that, pursuant to this Court’s *Order Granting*
16 *Application of The Official Committee of Tort Claimants Pursuant to 11 U.S.C. Sections 1103 and*
17 *363 and Fed. R. Bankr. P. 2014 and 5002 to Retain and Employ Cathy Yanni as Claims*
18 *Administrator Nunc Pro Tunc to January 13, 2020* dated April 14, 2020 [Docket No. 6759]. Before
19 serving as the Claims Administrator, I served as the Court-appointed Administrator of the Wildfire
20 Assistance Program pursuant to this Court’s *Supplemental Order (A) Approving Appointment of*
21 *Administrator and Establishing Guidelines for the Wildfire Assistance Program and (B) Granting*
22 *Related Relief* dated June 5, 2019 [Docket No. 2409].

23 4. I submit this Declaration in support of the *Motion of the Fire Victim Trustee to File*
24 *Redacted Versions of Certain Retention Agreements Until Litigation Related to Such Retention*
25 *Agreements is Finally Resolved* (the “**Motion**”), filed concurrently herewith, which seeks authority
26 to redact certain privileged, confidential and sensitive commercial information appearing in certain
27 retention agreements to be filed with the Court as directed by the *Order on Motion of William B.*
28

1 *Abrams Authorizing Discovery Regarding Administration of the Fire Victim Trust* [Docket No.
2 12682].

3 5. I am generally knowledgeable and familiar with the day-to-day operations of the
4 Trust, including the Trust's entry into the various retention agreements referenced in the Motion. I
5 am authorized to submit this Declaration on behalf of the Trust.

6 6. The facts set forth in this Declaration are based upon my personal knowledge, my
7 review of relevant documents, and information provided to me by the Trust's legal advisors. If called
8 upon to testify, I would testify to the facts set forth in this Declaration.

9 7. The engagement letters entered into on behalf of the Trust and the firms retained to
10 pursue litigation related to the Assigned Claims (collectively, the "**Retention Agreements**") contain
11 highly confidential and sensitive information that could be used to benefit the defendants to the
12 Assigned Claims to the detriment of the Fire Victim Trust and its beneficiaries, the Fire Victims
13 (the "**Sensitive Information**").

14 8. None of the litigation related to the Assigned Claims has been finally resolved at this
15 time and I understand that none of this litigation is expected to be finally resolved by the September
16 6, 2022 deadline by which the Trust to post copies of the Retention Agreements as directed by the
17 *Order on Motion of William B. Abrams Authorizing Discovery Regarding Administration of the Fire*
18 *Victim Trust* [Docket No. 12682] (the "**Discovery Order**").

19 9. I believe that disclosing the Sensitive Information at this time could impair the
20 Trust's positions in the case stemming from the Assigned Claims and could impact and/or result in
21 lower recoveries paid to the Trust upon final resolution of these cases. In my view, disclosing the
22 Sensitive Information in the Retention Agreements would reveal certain of the Trust's investigative
23 efforts and litigation strategies to the defendants in these cases, thereby undermining the Trust's
24 positions and providing valuable and unwarranted insight to the subject or target defendants. As the
25 Trust corpus is currently insufficient to pay all Fire Victims in full for losses attributable to the
26 Debtors in these cases, it is imperative that the Trust maximize the recoveries obtained in the
27 litigation related to the Assigned Claims. Accordingly, I believe that it would be imprudent and
28

1 prejudicial to the Fire Victims to disclose the Sensitive Information at the risk of lowering such
2 recoveries at this time.

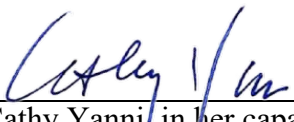
3 10. In addition, I understand the Retention Agreements to be confidential attorney-client
4 communications under the California Business and Professions Code Section 6146.

5 11. For these reasons, I believe it is in the best interest of the Trust and its beneficiaries,
6 the Fire Victims, that the Sensitive Information be redacted from the publicly filed version of the
7 Retention Agreements until such time as the litigation related to each of the Retention Agreements
8 is finally resolved.

9 12. The temporary redaction of the Sensitive Information would, in my view, effect an
10 appropriate level of transparency regarding the retention of the firms handling the litigation of the
11 Assigned Claims, while also temporarily protecting publication of the Sensitive Information.
12 Importantly, I believe that publication of the Sensitive Information at the present time would be
13 detrimental to the Trust and its ability to maximize the value of the litigations related to the Retention
14 Agreements. Therefore, to protect the Trust and its beneficiaries, I believe it is in the best interests
15 of the Trust and the Fire Victims that the redacted portions of the Retention Agreements be kept
16 confidential until such time as the litigation related to each of the Retention Agreements has been
17 finally resolved.

18 I declare under penalty of perjury, as set forth in 28 U.S.C. § 1746, that the foregoing is true
19 and correct to the best of my knowledge, information, and belief.

20
21 Executed this 23rd day of August, 2022, in Richmond, Virginia.

22
23
24 By: 
25 Cathy Yanni in her capacity as
26 Trustee of the PG&E Fire Victim Trust
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